

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

No. 09-cv-1021 SMV/ACT

CHARLES R. KOKESH,

Defendant.

**SECOND AMENDED ORDER SETTING PRETRIAL MOTIONS HEARING,
PRETRIAL CONFERENCE, JURY SELECTION, AND JURY TRIAL**¹

THIS MATTER is before the Court on a telephonic status conference held on **January 6, 2014**. The following settings and deadlines are hereby imposed.

Pretrial motions shall be filed with the Court and served on opposing party by **May 5, 2014**. *See* D.N.M.LR-Civ. 7 for motion practice requirements and timing of responses and replies. Any pretrial motions filed after the above dates shall, in the discretion of the Court, be considered untimely.

A **Pretrial Motions Hearing** will be held on **July 7, 2014, at 9:00 a.m.** in the **Pecos Courtroom, Pete V. Domenici United States Courthouse at 333 Lomas Boulevard Northwest in Albuquerque, New Mexico**. The parties need not be present. All pending pretrial motions, including motions in limine, will be heard throughout the course of the day; counsel shall therefore be prepared to attend for the entire day.

A **Pretrial Conference** will be held on **July 28, 2014, at 9:00 a.m.** in the **Pecos Courtroom, Pete V. Domenici United States Courthouse at 333 Lomas Boulevard**

¹ This Order changes only the location of the trial from the Pecos Courtroom to the Rio Grande Courtroom.

Northwest in Albuquerque, New Mexico. Lead trial counsel must be present for the Pretrial Conference. The parties need not be present.

Jury Selection and Jury Trial will begin on **August 4, 2014, at 9:00 a.m.**, and end no later than **August 15, 2014**, in the **Rio Grande Courtroom, Pete V. Domenici United States Courthouse at 333 Lomas Boulevard Northwest in Albuquerque, New Mexico.**

Witness lists, designations of deposition testimony, exhibit lists and books of exhibits, a statement of the case, jury instructions, and requested voir dire are due **July 7, 2014**. Any responses or objections are due **July 14, 2014**.

The parties are encouraged, but not required, to submit trial briefs outlining basic legal theories, anticipated evidence in support of the theories, and the legal basis of any anticipated evidentiary disputes. The briefs are due **July 25, 2014**.

Witness Lists: The parties shall file their witness lists, which must disclose both witnesses that the parties “will call” and witnesses that they “may call” at trial. Witnesses shall be listed in the order in which they will be called at trial.

Designations of Deposition Testimony: The parties shall file designations of deposition testimony that they intend to use at trial. The designations must state the pages and lines of the deposition to be used. Counsel must submit copies of the depositions to my chambers by the due date above and must highlight the parts of the depositions that are to be used. Plaintiff(s) will use a yellow marker and Defendant(s) a blue marker. These requirements do not apply to cross-examination or rebuttal of a witness presented in person at trial.

Exhibits: The parties shall file one list of stipulated exhibits and separate lists of contested exhibits. They shall also submit two books of marked exhibits to my chambers. The

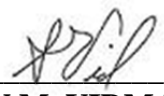
first book shall include exhibits that the parties stipulate to be admissible, and shall be labeled consecutively. The second book shall include exhibits whose admissibility is contested, and shall be labeled consecutively beginning with the next sequential number after the final stipulated exhibit designation. For instance, if there are 50 stipulated exhibits, 20 contested plaintiff's exhibits, and 20 contested defendant's exhibits, the first notebook shall contain stipulated exhibits numbered 1 to 50. The second notebook shall contain plaintiff's contested exhibits numbered 51 through 70 and defendant's contested exhibits numbered 71 through 90.

Statement of the Case: The parties shall file a consolidated, clear, concise statement of the case, to be read by the Court to the jury at the beginning of trial. If counsel are unable to agree to a consolidated statement of the case, they shall file separate statements of the case.

Jury Instructions: The parties shall meet and confer about proposed jury instructions. Plaintiff is responsible for filing a set of requested jury instructions to which all of the parties agree. Requested instructions upon which the parties cannot agree must be filed separately by the requesting party. There shall be only one instruction per page and each instruction shall include a citation to supporting authority at the bottom of the page. The parties must also email a copy of the instructions in Microsoft Office Word format, without citations, to smvproposedtext@nmcourt.fed.us.

A party wishing to object to an opposing party's requested instructions must file written objections.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge
Presiding by Consent